



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply to
Attn of: WCM-121

December 6, 2002

3.1.1
12/06/02
J.R. Simplot
Remedial Action
Consent Decree
12/6/02

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Alan L. Prouty
J.R. Simplot Company
999 Main Street
One Capital Center
P.O. Box 27
Boise, Idaho 83707

Re: United States of America v. J.R. Simplot Remedial
Design/Remedial Action Consent Decree (RD/RA Consent
Decree), Civil Action No. 99-296-E-BLW, Superfund
Groundwater Extraction System Design

Dear Mr. Prouty:

The Environmental Protection Agency (EPA) is in receipt of your correspondence dated November 5, 2002 regarding follow up to our October 16, 2002 meeting on the groundwater extraction system design. The purpose of this letter is to reiterate the groundwater extraction system design basis, establish a schedule for conducting the additional work necessary for extraction system design, and articulate our expectations for revising the 30% design submittal.

EPA received the Draft Remedial Design Report for the Groundwater Extraction System dated August 1, 2002 pursuant to the schedule contained in the Statement of Work (SOW) for the RD/RA Consent Decree. Subsequent to our review of this document, EPA, Idaho Department of Health and Welfare (IDHQ), and the Shoshone-Bannock Tribes met with you on October 16th to outline a number of deficiencies with these submittals. As your November 5, 2002 letter points out, the main issue requiring resolution is the design basis for the groundwater extraction system. Until we are in agreement regarding the design basis it is unlikely that EPA can determine if the design is adequate.

Section 10.1.1.1 of the 1998 ROD states: "The purpose of the extraction well network is: 1) to contain the migration of COCs from the phosphogypsum stack and reduce the areal extent of shallow groundwater contamination within the Plant Area in excess of MCLs [maximum contaminant levels] or RBCs [risk based concentrations], and 2) to prevent migration of COCs above MCLs or

USEPA SF



1349668

Printed on Recycled Paper

RBCs into the off-plant area." EPA reads this source control requirement to mean hydraulic containment of all of the water impacted by the phosphogypsum stack exceeding MCLs or RBCs, with the extraction wells located as close to the source as possible. A system design based on these parameters should achieve the performance standards established in the ROD and restated above.

Based on the information currently available to EPA, we disagree with the statement in your November 5, 2002 letter that the extraction system, as designed, will meet the remedial action objectives and associated performance standards. For example, the system, as currently designed appears to capture less than half of the gypsum stack impacted water.

Because we disagree on whether the extraction system, as designed, will meet the remedial action objectives and associated performance standards, EPA believes a significant amount of additional field work and analysis is needed to convince us that the ROD objectives will be met. To demonstrate to us that the design will meet the ROD objectives, the revised 30% design submittal needs to address the issues raised in our October 16th meeting and summarized in attachment A to this letter.

Within the scope of the work proposed in your November 5, 2002 letter, a number of field activities are suggested along with a schedule. Details of these activities have not been adequately described. A Work Plan for this additional field work must be submitted for EPA's review and approval. EPA's approval of this work as well as a revised schedule will be dependent on whether these activities will result in a design that will meet the ROD performance standards. The Work Plan must discuss all aspects of the proposed additional work and must address, at a minimum, the issues outlined below.

- 1) Details of all investigative methods and proposed well construction must be provided.
- 2) A detailed outline of the planned analysis including any additional numerical modeling that is planned must be provided.
- 3) Provide justification for the location of the additional monitoring wells and a map showing the locations for the wells. The justification must include an adequately scaled map with the groundwater piezometric contours.
- 4) Include a monitoring program to demonstrate the performance of the extraction system.

Finally, it is important to note that Simplot has not addressed any of the groundwater monitoring issues raised in the

October 16, 2002 meeting. Once the planned investigation and analysis are complete the groundwater monitoring issues must be addressed with revision to the Groundwater Monitoring Remedial Design Report.

Simplot must submit the Work Plan within 30 days from your receipt of this correspondence. The Work Plan must include a schedule for conducting the additional work as well as a date for re-submittal of the revised 30% Groundwater Extraction Remedial Design and Groundwater Monitoring Design Report. The 30% design must be revised with the additional information you propose to collect and include a demonstration that the system is capable of achieving the ROD requirements. In addition, the revised design must address the issues in Attachment A. The Groundwater Monitoring Remedial Design Report must be revised to address the issues identified in Attachment B to this letter. We look forward to meeting with you on December 10th, 2002 to discuss this matter so that we can avoid further delay in remedy implementation.

Sincerely,



Linda Meyer
Project Manager RCRA/Superfund

cc: Roger Turner, RCRA-CERCLA Program, Shoshone-Bannock Tribes
Doug Tanner, IDEQ